

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-60038-DIMITROULEAS

UNITED STATES OF AMERICA

vs.

**MICHAEL ABARCA ESPINALES,
a/k/a "Michael Abarca,"**

Defendant.

FACTUAL PROFFER

The United States Attorney's Office for the Southern District of Florida and MICHAEL ABARCA ESPINALES, a/k/a "Michael Abarca," (hereinafter the "defendant") agree that had this case proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt:

1. On August 17, 2021, federal law enforcement agents in the Southern District of Florida intercepted two packages dropped off at Siat Express, in Miami, Florida. The packages were both destined for Ecuador. According to the shipping receipt, photo identification, and surveillance video from Siat Express, the packages were dropped off by the defendant using the a/k/a "Michael Abarca." The shipping documents listed the intended consignee and receiver of the packages in Ecuador. Law enforcement conducted a check of both the defendant and the consignee in Ecuador and determined that neither had an export license from the United States. Additionally, the defendant did not notify Siat Express that the packages contained firearms.

2. The packages were scanned with an x-ray machine by United States Customs. The packages were determined to be air compressor tanks which contained firearms hidden inside. The compressed air tanks were opened under border search authority. The tanks contained several bundles of firearms wrapped in aluminum foil and shrink wrap, including 17 semi-automatic handguns, four (4) upper receivers, eight (8) lower receivers and seven (7) 30 round high-capacity magazines. Approximately six of the firearms were Anderson AR15 style pistols which are based upon an AR15 platform, can accept high capacity magazines and do not have a stock. The serial numbers were obliterated on the Anderson AR15 pistols.

3. The Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") reviewed the firearms and lower receivers seized from the two packages and determined that they had previously travelled in interstate and foreign commerce.

4. On September 15, 2021, ATF executed a search warrant at the residence of another person in the Southern District of Florida. The search warrant sought evidence related to the unlawful sale of firearms without a federal firearms license. During the search, ATF found numerous bills of sales involving the defendant as the buyer of firearms. ATF also located hundreds of text messages between the seller and the defendant. The text messages confirmed that the defendant began purchasing firearms from this specific seller in January 2021. The messages also established that the defendant met with the seller in Broward County, Florida to receive firearms. Furthermore, the bills of sale and text messages revealed that the defendant purchased and took possession of more than 400 firearms between January and August 2021.

5. In one transaction that occurred on July 11, 2021, the defendant purchased thirteen (13) firearms. A bill of sale included details of the transaction, including serial numbers,

descriptions of the guns, the defendant's name, and his signature. Of the thirteen firearms noted within the bill of sale, eight were recovered in the two air compressor tanks on August 16, 2021.

6. The defendant is a national from Ecuador. He applied for and received a United States B1/B2 visitor's Visa in 2015. The Visa expired on September 15, 2020. The defendant also received employment authorization in the United States in 2019; however, that expired on January 7, 2020. Furthermore, the defendant applied for an adjustment of status in June 2020. That application was denied and his status as of November 15, 2020, was that of an overstay in the United States. The denial was sent to his home address that was listed in his application. That same address was listed on a Florida Issued Temporary Driver's License and noted in bills of sale.

7. United States law enforcement requested help from the Ecuadorian National Police to determine if any of the firearms listed in the bills of sale were recovered in Ecuador. The Ecuadorian National Police responded with serial numbers on at least five firearms that matched the serial numbers of firearms purchased by the defendant in 2021. Other firearms matched the description of guns purchased by the defendant; however, the serial numbers were obliterated.

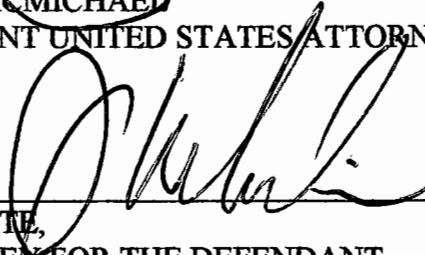
8. All events occurring in the Southern District of Florida and elsewhere.

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Date: 4/12/23

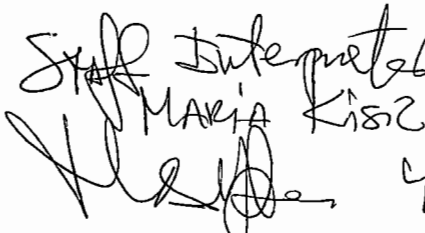
By: 
ADAM MCMICHAEL
ASSISTANT UNITED STATES ATTORNEY

Date: 4/12/23

By: 
JAY WHITE,
ATTORNEY FOR THE DEFENDANT

Date: 4/12/23

By: 
MICHAEL ABARCA ESPINALES,
DEFENDANT


Maria Kisz
4/12/2023